BUT THE WEST POINT OFFICERS WOULD LIKE TO HAVE HER GO.

who Criticised Them in the Presence of the Cadets and They Feel That Her Conduct is Prejudicial to Discipline-They're Jealous of Her Husband, So She Insists.

WEST POINT, June 7 .- Supt. Scott of the Military Academy and Lieut.-Col. Robert . Howze, commandant of cadets, are away rom the reservation, but Mrs. Elizabeth Fairfax Ayres of Virginia did not march from Larry O'Flynn's at Highland Falls to attack the unprotected post.

Col. Scott is in Trenton, N. J., and Comandant Howze is at the Jamestown Exposition in charge of he Cadet Corps. It was announced at the Officers' Club to-day that neither would hasten his return to the post on Mrs. Ayres's account. In fact the officers of the Military Academy are inclined to discuss Mrs. Elizabeth Fairfax Ayres of Virginia as one who has brewed a fine tempest in a teapot.

Ever since the famous Easter parade, when Commandant Howze objected to girls wearing the cadets' overcoats and ent a sergeant to pluck the garments for the good of discipline, the academy has buzzed with the sayings and doings of the same Mrs. Elizabeth Fairfax Ayres of Virginis. It was she who protested against the action of the commandant in despoiling the young women of the overcoats during a downpour of very wet rain, and it was she, according to the officers, who saw to it that the story got into the newspapers, with trimmings.

Just about that time Mrs. Ayres, who is the wife of Col. Charles G. Ayres, just returned from service in the Philippines. get the idea that her son, Henry Fairfax, second class man, was being unjustly disciplined. She made up her mind that he was being punished persistently for faults he had not committed at all but for faults committed by other cadets. She not only got that idea firmly fixed in her head but she began to talk about it. She hinted that it was a case of jealousy and that "tin soldiers" were envious of the brilliant military record of her husband, (a) Charles, and were trying to get even by demeriting the boy whenever half a chance offered.

By special permission Mrs. Ayres was ving on the reservation with her daughter mily and constantly meeting officers of he post. It wasn't long until Commandant Howze and Capt. L. W. Oliver, who is the assistant instructor in tactics, felt they ad cause to complain of her attitude toward them. It was observed that Mrs. Arres seldom permitted an opportunity to pass of speaking her mind briskly to

these officers.

Along in April, Capt. Oliver wrote a letter
te an official in the War Department declaring that Mrs. Ayres had subjected him
to a humiliating attack and had referred
insultingly to Commandant Howse. He resultingly to Commandant Howze. He complained that Mrs. Ayres had been very unfair in her conversation with him, and that in view of these facts, and aside from the personal insult, he did not think it for the best interests of discipline to have an officer subjected to criticism from a conficer subjected to criticism from a co erson "who employs such language and means to show her disrespect as Mrs. Ayres as." He asked that some action be taken

oprevent a repetition of the incident.
Commandant Howze endorsed that letter strongly. He wrote in his endorsement that the conduct of Mrs. Ayres had been prehensible, and at times, in the presence the cadets, remarkably vicious. He d further that the characterization of Mrs. Ayres in Capt. Oliver's letter and in his own endorsement of that letter was by far too mild.

Scott, Superintendent of the Military Arademy, wrote a letter at the same time to Adjurant-General Ainsworth in Washing-ton. He said that Mrs. Ayres had ap-proached the Commandant of Cadets in the preached the Commandant of Cadets in the arna of the cadet barracks with the most approbrious epithets and in the most un-dignified manner. He wrote further that Mrs. Ayres had aired her grievances in New York newspapers. She had never criti-cised him, so far as he knew, Col. Scott wrote, but she had attacked Gen. Mills, his predecessor. Col. Scott suggested that the War Department take some action in the matter and hinted that it might be a fine hing if the Department would get Col.

Lieut Col. Stephen C. Mills, Inspector General, came to the Academy from Washington soon after and made a thorough investigation. The result of it was that he recommended that Mrs. Ayres be not permitted to enjoy the privilege of living on the foverment reservation at West Point while her husband was with his regiment in the Philippines, and that the trouble she had there arose chiefly out of her criticism of Col. Howze because of his course in refusing to allow the cadets to lend their overcests to young women who were watchvercoats to young women who were watch ng the parade on a cold day. The War Department has refused so far absolutely to discuss the case of Mrs. Ayres, but it is snown definitely that Secretary Taft has approved the recommendation of the Inspector General in regard to the woman.

Mrs. Ayres, with her daughter, left the Mrs. Ayres, with her daughter, left the eservation about the time Col. Mills began

the official investigation. She went to live in rooms at Highland Falls, but her anger boiled higher than ever. Col. Ayres got back from the Philippines last Saturday, but he hasn't been talking much about his wife's troubles with the officers here. He had rather a stormy time himself with He had rather a stormy time himself some of his brother officers of the Eighth Cavalry while serving in the Philippines and preferred charges against them. One or two were tried by court-martial and acquitted, but the other charges were dishissed without hearing, the circumstances being such as not to warrant a court-martial. eing such as not to warrant a court-martial was with his wife and daughter to-day at Highland Falls when he received a fat letter from the War Department. He would not say what the letter contained, ut declared he would put it in his lawyer's

ands to-morrow. Mrs. Ayres said to-day that she has estructed her lawyer to bring suit against Col. H. L. Scott, Superintendent of the Academy; Lieut,-Col. Robert L. Howze, commandant of cadets; Capt. L. W. Oliver, assistant instructor in tactics, and Inspector-tieneral Stephen C. Mills for damages aggre-gating \$100,000. She said that nobody could act as they had done toward Virginia Fairfaxes, persons descended straight as a string from Lord Fairfax, and get away

Although Col. Scott and Col. Howke were absent from the reservation to-day two ill the details of the affair spoke their minds pretty freely. They said that Mrs. Ayres had insisted on looking at about everything through clouded glasses and that she seemed to find keen pleasure in stirring up trouble. They insisted that there wasn't the slightest ground for any of her accusations against Col. Howze or other officers, or her bellef

hat her son Henry Fairfax was being un-justly punished.

"In the first place," said an officer who is very close to Col. Scott, "the regulations of the Military Academy prohibit cadets from coming their overcosts or any other por-tions of their uniform. Col. Howze is a strict disciplinarian, and he enforced the Anyway, on that Easter Sunmost of the women who were wearing vercoats had warm wraps of their own and didn't need the extra protection. They berrowed the overcoats more for fun than for any other reason. There was absolutely no occasion for Mrs. Ayres to get excited about it.

As for the alleged ill treatment of her son, a cadet here, that is ridiculous. The discipline at West Point is not harsh, but it is rigid. No cadet, whether he be the son of a millionaire or the son of a hod carder, can violate the regulations and escape demerits. Henry Fairlax Ayres is a mem-dement of the second class and will graduate bext year. He has been punished several times for minor infractions of the rules. tch as skylarking in barrachs after taps and being absent from quarters without

DON'TFEARMRS. AYRES'SSUITS | leave, but so have sooms of other loadets. The punishment has been no more severe in his case than in the case of any other boy, and no more frequent than in dozens

of other cases.

"If any of the officers here are joalous of Col. Ayres's military record we haven't noticed it. Col. Ayres, I believe, has a good noticed it.

record in the service, but not one that would turn others in the service green from envy. Anyway, I understand that Col. Ayros himself has had very little to say about this unpleasant episode.

"So far as I know, and I am in a position to know, Col. Scott has not ordered Mrs. Ayres off the reservation. That, however, is not saying that he doesn't intend to or that the War Department hasn't already. "The point of the whole business is that

"The point of the whole business is that none of the officers offended in any way against justice or good taste, but that Mrs. Ayres, a woman who gets excited, imagined she was being martyrized. Such things are not good when the discipline of some hundreds of cadets is to be considered, and the best way out of the mess is to eliminate the trouble maker."

It was said at the Officers' Club that it wasn't likely that Col. Scott and Col. Howze would be much worried if they

Howze would be much worried if they were sued for damages by Mrs. Ayres, because they had the impartial investiga-tion of Inspector-General Mills to fall back

HONOR MEN AT WEST POINT. The Names of the Ten Cadets Announced

Last Night. WEST POINT, June 7.- The standing of the members of the graduating class of West Point was announced to-night. It was telegraphed to the cadets who are in camp at the Jamestown Exposition by Capt. Frank W. Coe of the Artillery Corps, who is Adjutant of the military academy.

James G. Steese of Pennsylvania stands No. 1 on the roster of the 111 first class men. Cadet Steese was appointed from Pennsylvania in 1902. Roger G. Alexander of Missouri takes second honors, John A. Holabird of Illinois is third, James A. O'Connor of Michigan fourth, Lewis H. Watkins of Tennessee fifth, Gilbert E. Humphrey of Oklahoma sixth, Richard Park of New Hampshire seventh, Richard H. Somers of New Jersey eighth, Daniel I. Sultan of Mississippi ninth and Thomas L. Coles of Alabama tenth.

According to custom the ten men who lead their class, having their choice of any arm of the service, will select the engineers The next ten or a dozen may go into the artillery, those with somewhat lesser standing will be offered commissions in cavalry regiments and the stallenders will get

regiments and the stallenders will get infantry assignments.

The 111 future Brigadiers, Major-Generals, Chiefs of Staff or canal builders made up a good average class, Capt. Coe said to-night. There were no prodigies in the class, no cadet who developed an extraordinary aptitude for any one thing, but all measure well up to the quality of Second Lieutenant Uncle Sam expects year by year from his big war school on the Hudson. To-morrow morning the results will be read to the cadets in Jamestown by Commandant Howze.

mandant Howze.
On June 13 the first class will have its graduation parade and will be reviewed by the Commandant of Cadets, Col. Howze. They will give the Commandant the fare-well salute—doffing their dress hats—instead of the customary presented swords. Col. Howze will make a short talk to the budding officers. The function signalizes the recep-tion of the cadets into the service. Next

tion of the cadets into the service. Next day they get their commissions.

The next night the graduation hop will take place in Memorial Hall. That's the proudest occasion of all for the very new Second Lieutenants. It is the custom for the officers of the post, especially the younger ones, to attend the hop and treat the first class men as equals. It is also the first function that the plebes are allowed to attend.

Col. A. R. Lawton of Savannah, Ga., a member of the board of visitors, will make the graduation day address on June 14.

COL. A. A. BREMNER DEAD. Was First Colonel of the Seventh Regiment

and Had a Long Military Record. Col. Andrew A. Bremner, first Colonel and one of the founders of the Seventh Regiment, died on Thursday at the home of his daughter in Manhasset, L. I. He was born in this city in 1812 and belonged to a military family. His grandfather fought in the French and Indian War and the Revolution and his father was Major of a New York artillery regiment in th Bremner enlisted in 1832 in the President's Guard and remained in it until 1839, when he was elected Captain of the Seventh company of the Twenty-seventh Regiment. In 1841 he was elected Major and in November, 1845, Colonel of the regiment. Tyears later the Legislature reorganized State militia and the Twenty-seventh be-

came the Seventh under Col. Bremner's command. He resigned in November, 1848. In 1832 he entered the firm of Morton & Bremner, which dealt in steel springs and balances, and retired in 1837. He organized the Fifteenth New York Volunteers and took part in the draft riots here at the time of civil war. After the war he started an foundry and retained his interest in this

He always took a keen interest in the Seventh Regiment and a portrait of him hangs in the armory. For many years he lived in Brooklyn. Two daughters and two granddaughters survive him.

Oblinary Notes

The War Department is advised of the death of Capt. William M. Crofton, First Infantry, of cerebral hemorrhage, which occurred on June 4 in the Philippines. Capt. Crofton was born in Virginia on January 26, 1870. He was a graduate of the infantry and cavery school at Fort Leavenworth in the class of 1897.

Duty Collectible on Full Amount of Inporters' Bills

A decision was handed down yesterday afternoon by the United States Circuit Court of Appeals upholding the right to collect duties on the full amount of importers' bills including foreign agents' commissions The test case was that of Erlanger, Bloomgart & Co. of this city, Erlanger, Bloomgart & Co. of this city. The firm's attorney, W. Wickham Smith, appealed from the Board of Appraisers' valuation of his client's shipment. The United States Circuit Court affirmed the finding of the board and the Court of Appeals upheld it.

The Weather.

The pressure was low but rising over New Eng and and northern New York yesterday and the eather was generally cloudy. In the other At weather was generally cloudy. lantic States and from the Lake regions southward to the Gulf the pressure was high and the weather fair, except in the vicinity of Lake Michigan and in the middle and upper Mississippi valleys, where there was rain and thunderstorms with heavy falls in lowe and Nebraska. Rain also occurred at scattered points throughout the Northwest.

The storm from the Southwest was central over Kansas and that from western Canada was over northern Montana.

The weather was warmer in Texas, Arkansas Missouri and Kansas. In other sections the changes

were alight or merely local.
In this city the day was partly cloudy: tempera ture about stationary; average humidity, 49 per ent.; barometer, corrected to read to sea level,

8 A. M., 29.92; 3 P. M., 29.92.
The temperature yesterday as recorded by the official thermometer is shown in the annexed table

1907. 1908. .66* 69* .64* 63* .64* 60* Highest temperature. 68° at 3 P. M.

WASHINGTON FORECAST FOR TO DAY AND TO MORROW For eastern New York, eastern Pennsylvonia, New Jersey and Delaware, rain and cooler to-day; partly cloudy to-morrow; light, variable winds, becoming

For New England, fair in north, rain in south portion to day; partly cloudy to-morrow; variable winds.

For the District of Columbia Maryland and to fresh east winds. For western New York and western Pennsylvania. showers to day and probably to morrow; light variable winds mostly east.

MR. TOM SHARKEY PROTESTS

IF TRUE ART LIES IN VARIETY HOW ABOUT HIS LAWN?

And Why Should an Unsesthetic Public Speak Unkindly of His Floral Flag? -Trees? Why Trees Are the Mere Commonplaces of Lawn Decoration.

When seen at his Fourteenth street kafe last night Mr. Thomas Sharkey of 101 West 112th street, 144 East Fourteenth street and during the week ends Voorhees avenue and Twenty-fifth street, Sheepshead Bay said with much vehemence that the pub licity that has followed in the wake of his planting a floral American flag on the lawn of his Sheepshead Bay summer home is intensely distressing to him. The story to which Mr. Sharkey referred is that he has planted red, white and blue flowers on one corner of his lawn in the shape of the Stars and Stripes so that the Sheepshead Bay authorities wouldn't dare use that part of his property for a proposed continuation of Twenty-fifth street.

"My gracious, the story is ludicrous, exclaimed Mr. Sharkey as he seated himself at a table in the Peach Room at the rear of the kafe to tell all about it. "One may be in the public eye, but by, George, one is entitled to one's privacy in one's home life, isn't one?"

"I think one certainly is," agreed Miss Lil Smoulter, who had just dropped in. "I thank you for agreeing with me, Miss Smoulter," said Mr. Sharkey gallantly. "Could I induce you to join me in some

refreshments? "Now the gist of the whole matter," con tinued Mr. Sharkey, when Bar Steward Pat Dolan had responded to the electric button "is that I am an intense lover of nature. For twenty years I have had my own ideas about landscape gardening, and during all that period many have wondered where I have got those ideas. May I add that for twenty years longer-aye, for years after I am no more-they will still wonder? Gracious me, the vulgar curiosity of one's neighbors passes all understanding.

"To many a love for æsthetics, for nature in especial, is most effeminate from the viewpoint of the masses. To the other half, to make myself clearer, a flower is but so much vegetation, and the other half seems quite mable to differentiate the moss rose, for instance, from the Lycopersicum esculentum, or tomato. Wordsworth has said it better than I:

A primrose by the river's brim A yellow primrose was to him There's nothing to it.

"Now when I purchased my summer home on Voorhees avenue, Sheepshead Bay I brought down there with me, as I have said, many of my own views about landscape gardening. In the first place In the first place I pulled up all the trees and flowers and threw them away. Next I had the lawn close cropped. Always it has been my habit to wear my hair that way, whether in the ring or out of it, and so I had no desire to have my lawn present an incongruous contrast. gruous contrast

Incongruous contrast is one thing and variety quite another Variety, as Steven-son has said in one of his charming essays consists in being infinitely various; and variety I was seeking above all else. There was a hugh magnolia tree near my veranda as Sheepshead Bay well remembers. But a magnolia tree is the expected, the obvicus in a summer home, so I took hold of the trunk and pulled the tree up by the roots and cast it from me. My first intention was to substitute for the tree a fountain with a superior transparent of all in water. with a large central spray and plain water on the side, but on second thought I placed a flower bed there with a pretty border of

oyster shells.
"Then on various parts of the lawn I built more flower beds, shaped as five pointed stars, eagles flying, gates ajar, broken col-umns, pillows of immortelles and harps. Variety, variety everywhere, that is the thing to seek, but always one must remem-ber, too, the laws that govern the art princi-ples of unity, else what's the use? When these flower beds had been laid out I sent in an order to the Baldwin Locomotive Works of Philadelphia to cast some life sized horses and a statue, also in cast iron. of Timothy D. Sullivan, to be placed along the walks, with some iron grey-hounds for the side yard.
"Even before the Baldwin people had communicated with me to the effect that

they never modelled lawn ornaments, however," continued Mr. Sharkey after he had again pressed the button, "I changed w mind about the figures upon hearing at Mr. Robert Fitzsimmons was about place the same sort of iron ornaments in his yard at Bensonhurst. Mr. Fitz-simmons, as you doubtless know, at one time followed my profession but with indifferent success. He is now a has-been, having moved recently to Plainfield, which is in New Jersey.

"Then I chanced upon the idea of build-

ing a floral flag on my lawn," said Mr. Shar-key with growing enthusiasm. "The flag key with growing enthusiasm. "The flag is composed of red, white and blue roses and things and sets out front, not far from the flagpole on which I float the flag of Ire-land. It is true that I fashioned the flag land. It is true that I fashioned the flag of flowers just about the time that the authorities began to talk of continuing Twenty-fifth street—which ends abruptly across the street from my lawn—directly through my property, but the coincidence is merely a coincidence and quite free from association per se. Mr. Larry Mulligan, who lives on the opposite side of the street, or in fact any of the gentlemen living in our little colony, can verify this statement."

This ended the interview, as Mr. Sharkey that to go out to the bar to receive a long

had to go out to the bar to receive a long line of customers who were waiting pa-tiently to shake his hand.

Weish-Gallatin.

Mrs. Helen D. Gallatin and Charles Newbold Welsh were married yesterday after-noon at the home of the bride's mother, Mrs. James Gallatin, 119 East Thirty-eighth street James Gallatin, 119 East Thirty-eighth street.
The ceremony was performed by the Rev.
De Witt Thompson at 3:30 o'clock. There
were no bridesmaids or ushers. Samuel
K. Reeves of Philadelphia assisted as best
man. Only the relatives of the couple
and a few intimate friends witnessed the
ceremony, which was followed by a small
reception. Mr. Welsh is a son of Mrs. John
Lowber Welsh of Philadelphia.

THE STRIKE IN CUBA

The Cigarmakers' strike in Havana shows no sign of settle-

We therefore advise our patrons to supply themselves with the cigars they usually smoke now. Other importers are purchasing Romeo and Juliets, Punch, Carolina Perfectos, etc., of us in order to keep their customers supplied.

As these importers are paying us the same prices at which we sell to you, you will consult your best interests by buying at first

> UNITED CIGAR STORES COMPANY

CONRIED GETS NEW CONDUCTOR. Engages Gustav Mahler, New Director of Imperial Opera at Vienna

Heinrich Conried, who is now at Kalteneutgeben, a sanitarium near Vienna, has just made the important engagement of recent years by securing Gustav Mahler to come to the Metropolitan Opera, House next season. Herr Mahler is the most famous conductor in Europe to-day. Since 1897 he has been director and first conductor at the Imperial Opera House in Vienna. He has made that institution in

Europe. His term expired there this spring. The engagement of a famous Wagner conductor was one object of Mr. Conried's visit to Europe. There are no more great Wagner singers like Jean de Reszke, Lilli Lehmann and Milka Ternina, so Mr. Con-Lehmann and Milka Ternina, so Mr. Conried has realized that only a great conductor can bring the Wagner performances up to the standard of those in Italian. Mahler is known as a great conductor of the Wagner operas, but has also done a great deal to further the cause of the Italian répertoire since he went to Vienna. One of his last services to Italian opera there was a revival of Rossini's "Il Barbiere di Siviglia."

Gustav Mahler is also famous as one of the most advanced among German com-

Gustav Mahler is also famous as one of the most advanced among German composers. He has composed several symphonies and a number of songs. He is now 47 and was born in Bohemia. He took an academic course at the University of Vienna and studied at the Conservatory of Music. He was first a conductor at Cassel and succeeded Anton Seidl at Prague. He was at the Stadt Theatre in Leipsic and went to Budapest afterward to reorganize the opera house there. His success in that city secured for him the call to Vienna, where he practically reorganized the opera where he practically reorganized the opera and put the theatre in its present high position in Europe. It is highly probable that Herr Mahler

will insist upon some kind of reorganiza-tion at the Metropolitan Opera House. He demands complete control of orchestra, singers and stage when he conducts a performance. He allows no question of his authority, and it was said vesterday by musicians aware of his peculiarities that he would have a profound influence at the Metropolitan or leave at the end of a

CLASS DAY AT BARNARD.

At Which It is Revealed What the Seniors Think of Each Other.

The Barnard seniors held their class day exercises in the Columbia gymnasium vesterday afternoon. The president, Miss Evangeline Cole, opened the exercises with a welcoming address, in which she told the audience that they were now to discover what the class of 1907 was really like. She hoped they would believe what the class members said of one another, "just this once.

After the roll had been called by Miss Annie Carrol, class secretary, Miss Louise Rapp gave the class history. The class statistics were read by Miss Grace Turnbull because she had been elected the biggest knocker. Cora Bennet is the prettiest member of 1907, if the taste of her classmates is to be trusted. Juliet Ponits is the most popular; Annie Goedkoop the big-gest flirt. Marguerite Israel was noted the biggest talker and, together with Agnes Ernst, the most entertaining girl of the class. Miss Ernst was also chosen the best actor and the best athlete.

Trene Kohn is the cleverest member of 707, besides being the biggest bluffer next Evangeline Cole. Gertrude Cannon was voted the most sentimental and Anne Young the biggest grind. Lottie Oester-lein is considered the most material person in the class. After the reading of the statistics Miss Jean Disbrow made a speech presenting the class gift to the college, a sun dial, "be-

cause it will record only the bright hours of the college life." The presentation of gifts to the individual members of the class followed. The stout member got a pair of rubber heels to give her "the springy, elastic step of youth." The affected girls got a package of "Egg-o-see" and were told to "get back to nature." and the class politicism got an automobile

and the class politician got an automobile so that she might have something to steer in after life. There was an "anvil chorus," composed of the class "knockers," each of whom re-ceived a small papier maché anvil as a sign of their trade. The infants of the class

drew rattles, and the pugnacious girl from Long Island was told to go home, sit among the asparagus and smoke a pipe The engaged girls were called to the plot orm together, and to each one a lemon was handed as an expression of the class senti-

ment in regard to their lot in life.

The following elections were made to Phi
Beta Kappa: Amalie Althaus, Helen Carter,
Lillian Hellin, Marguerite Israel, Laurie
Manley, Louise Odencrantz, Charlotte Oesterlein and Elsie Schachtel.

COLUMBIA'S COMMENCEMENT.

The Exercises Begin To-morrow With the Baccalaureate Sermon

Columbia University will begin the celeoration of her 153d annual commencement exercises to-morrow afternoon with the baccalaureate sermon in the university gymnasium. The Rev. George Hodges. dean of the Episcopal Training School at Cambridge, Mass. will deliver the sermon at 4 o'clock. At 2 o'clock on Monday afternoon the Columbia College class day exercises will be held in the gymnasium. The commence-ment exercises will be held in the gymnasium on Wednesday morning at 11 o'clock.
To mark its twenty-fifth anniversary the
class of 1882 will make two gifts to the uniotass of 1852 will make two gifts to the university—a memorial window in the library of Hamilton Hall and two large bronze torchères in the front of the School of Mines building. The alumni luncheon will be held in Memorial Hall. The decennial reunion of the class of 1897 will be held on Wednesday afternoon and the usual sports will take place on South Field.

MARRIED IN A COFFIN!

And Chopin's Funeral March Is Played for the Couple, Jim Shesgreen Says.

If it were not for Press Agent Jim Shes green of Luna Park a news hungry public would never have known that Miss Anna Snyder, who has been a ticket seller in one of the Luna chariots since the park was built, was married vesterday afternoon to M. Jerry Barnett in a coffin. Perhaps, it might be added, if it were not for Jim Shesgreen the couple wouldn't have been married in a coffin.

Jim says, and he ought to know, that the wedding took place in the huge burial casket which one must first enter if one wants to make the rounds of the "Night

wants to make the rounds of the "Night and Morning" show. The bride carried tuberoses and a wreath of immortelles tied with purple and black ribbons—Jim says. Then to the tune of Chopin's "Funeral March" the wedding party advanced to the coffin nameplate and the knot was tied by Alderman Klein of Brooklyn, according to Jim Shesgreen.

Jim Shesgreen says that Fred Thompson, Manager Fred McClellan and he were the witnesses, and that after the ceremony Fred Thompson took the couple through the rest of "Night and Morning" all the way to the mournful "River of Lost Souls" and showed them Hell. The bride was a member of the original Floradora sextet—Jim says. She's to hold her job in Luna Jim says. She's to hold her job in Luna until the end of the season and then she is to have a part in Fred Thompson's "Polly of the Circus"—Fred Thompson says.

Panama's New President Sails.

J. D. de Ohaldia, retiring Panama Minister to the United States, sailed vesterday aboard the Panama Railroad steamship Panama to assume the office of President o Panama to assume the office of President of Panama. Former President Amador of the little republic is booked to sail soon for France. Miss Gertrude Beeks, secretary of the welfare department of the National Civic Federation was also a passenger by the Panama. She will investigate the condition of the employees in the lethmian Canal Zone and will try to make life pleasanter for them. Tobey Handmade **Furniture**

is higher-priced than ordinary furniture, but the satisfaction the purchaser derives more than compensates for the added cost. A Tobey piece is cherished from one generation to another.

The Tobey Furniture Company 11 W. 32nd Street Near Fifth Avenue

CAN'T SUE HOTEL FOR INSULT

APPELLATE DIVISION FOLLOWS AN OLD ENGLISH CASE.

Justice McLaughlin Dissents Vigorously and Says a Ruling 300 Years Old Has Been Outgrown-Plaintiff, a Woman. Says She Was Ordered From Hotel.

decision of interest to hotel keepers and their guests was rendered yesterday by the Appellate Division. By a majority of four to one the Justices hold that while a hotel keeper is liable for any injury or damage to the property of his guests he is not liable for any insult to the person or for an invasion of the guest's privacy, even though the act be that of an employee of the hotel. Justices Ingraham, Lambert, Patterson and Clarke hold thus, basing their opinion, written by Justice Ingraham, on a decision rendered in an English court 300 years ago.

Justice Mclaughlin writes a dissenting opinion in which he denounces the reasoning of the majority as absurd and subversive of all law. To base such a ruling on an English opinion of 300 years ago, he says, is to deny any progress to the law.

"The law," says Justice McLaughlin, "is a progressive science, and it has been the boast of the members of the legal profession that it not only keeps abreast but is ahead of the varying changes which are constantly being made for the comfort and improvement of human society. For this reason I do not think a rule which was applied 300 years ago in determining whether an innkeeper was liable, considering the advancement that has since been made and the changes that have taken place in the mode of living, is decisive of the question.

"The precise question here presented has not heretofore arisen in this State so far as I have been able to discover, but it has, to some extent at least, in some of the

other States. Justice McLaughlin considers that the same rule should apply to innkeepers as to common carriers as far as the treatment of a guest is concerned. A common carrier is liable to a passenger for an injury to his feelings caused by the insulting anguage of an employee, on the theory that there is a contract not only to trans port the passenger but to accord him respectful and courteous treatment and protection from insult. Justice McLaughlin

"To hold that the proprietor of a hotel is liable if a lady's handbag be stolen from her room while she is a guest but is not liable if one of his employees by his direc against her protest when she is disrobed and in the act of retiring and uses vile and insulting language to her is to my mind abhorrent. It is but another way of asserting that the law is powerless to punish the greatest outrage. the greatest outrage

the greatest outrage.

"It is generally supposed when one as a guest is assigned a room in a hotel that insures him the privacy of his home as long as he pays the price charged for the room, conforms his conduct to the rules of the house and behaves himself properly. It is not true, as I understand the law, that the proprietor of a hotel or his servants has the right, without the consent of a guest, at any time to enter his room. of a guest, at any time to enter his room.

"This is not the law, and if it is it ought not to be, because it is against good morals and the general law of

ever the proprietor of an inn, either himself or by his servants, commits such acts he is liable in damages.

"The damage to be awarded is of course compensatory—that is, the damage to the humiliation, injury to the feelings, which one suffers by having the privacy of her room invaded and being addressed in insulting and abusive language. This of course does not include an injury to the character, and I do not understand that the complaint here is drafted on that theory but is to recover for the breach of an implied contract, and to that extent

it states a cause of action."

But Justice McLaughlin's four associates take an entirely different view of the duty of an innkeeper to his guest. In the case at bar Mrs. Catherine de woil demanded \$10,000 damages from Simeon Ford and Samuel T. Shaw, as proprietors of the Grand Union Hotel. She alleged that on June 5, 1905 while she was stopping at the hotel with her brother, George L. Catlin, an employee of the hotel forced his way into her recome the morning when into her room at 1 in the morning, when she was in her night dress, and in the pres-ence of her brother and another person ance of her brother and another person addressed her with insulting, vile and abusive epithets, accusing her of being a disreputable person and charging her with immorality. She also alleges that threats were made by the employee that her name would be published in the daily papers as a disreputable person and that he ordered her to leave the hotel.

The defence put in by Ford and Shaw was that she had permitted a man not her hus band to enter her bedroom, and that as this was against the rules of the hotel the conduct of the employee, acting under orders, was justified. Justice Truax dismissed the suit with-

out hearing any evidence, and from this decision an appeal was taken by Mrs. de

Justice Ingraham, affirming in the prevailing opinion the ruling of Justice Truax, says that while the hotel proprietor might in a proper case be liable for damages for In a proper case oce hable for damages for slander, such a case does not arise here, as Mrs. de Wolf fails to set forth the actual words used toward her Justice Ingraham says that there is no such liability on the part of an innkeeper as there is on the part of a common carrier, and he then proceeds to quote from the English decisions, prin-cipally that known as Calve's case decided cipally that known as Calye's case, decided in 1600. Then it was held that, following the old Roman law, an innkeeper's liability is confined to the property of the guest and es not include the person. Hence, adopting that ruling as controlling here, Justice Ingraham says that Mrs. de Wolf's action cannot be sustained as based upon a viola-tion of contractual obligation between her-

self and the hotel proprietors.

"It is certainly not a trespass," says
Justice Ingraham, "for the servants of an innkeeper to go into a room although it is assigned to a guest. In consequence of the innkeeper's duties in relation to his whole inn he is required constantly to have access to all of the rooms and it cannot be said that merely entering the room, with or without the consent of the occupant, is a trespass

TAFT MUM AS TO KNOX.

Refuses to Discuss the New Presidential Candidate in Any Way.

PHILADELPHIA, June 7.—Secretary Taft who spent several hours here to-day in conference with other trustees of the Anna T. Jeans fund for the education of negroes smilingly dodged all attempts to get him to talk politics.

His interviewers were particularly anxious to get him to talk about Knox, but the Secretary had one answer for all questions:

'I must positively decline to discuss the "I must positively decline to discuss the

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In seasons past we have sold so many of these popular hats, and they have given such universal satisfaction, that we have developed a specialty along this line, and are now recognized as headquarters for "Panama Hats of Quality."

To meet the demand during the approaching Summer season-we prepared an assortment far beyond anything yet undertaken. May we suggest that you get yours now and here—and thereby derive from it a full season of comfort and luxury.

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SILK, LISLE AND MESH GLOVES.

Bitth Answer, 34th and 35th Streets, New York.

"LOST WILL" SUIT DISMISSED. Action to Recover \$2,000,000 Duncombe

Estate May Lead to Indictment for Forgery WHITE PLAINS, N. Y., June 7-The suit brought by Duncombe L. Williams against Mrs. Naomi Duncombe Ring of Mount Vernon to establish an alleged "lost will" which it was alleged was made by Mrs. Ring's first husband, Alfred B. Duncomb more than thirteen years ago, and which gave all his property, worth \$2,000,000, to his daughter, Adeline Williams, instead

of Mrs. Ring, fell through to-day when Supreme Court Justice Tompkins, sitting at White Plains, dismissed the complaint The legal will of Mr. Duncombe, w. The legal will of Mr. Duncombe, which was probated years ago, was dated 1890, and this gave all the estate to Mrs. Ring, who after the death of Mr. Duncombe married Mr. Ring, whom she sued this week to get back a deed for \$50,000 worth of property The alleged "lost will," which was produced in court under a glass frame, was badly scorched and torn and was dated Sentember 25, 1888, Mr. Duncombe died in September 25, 1898 Mr. Duncombe died in

October of the same year.

Banker Clarence S. McClelland of Mount Vernon testified that the signature to the both will was not the signature of Mr. Duncombe. Lawyer John M. Brennan for Mrs. Ring moved to diamiss the complaint, and as the lawyers for Mr. Williams had no more witnesses and as they said they had been misinformed about the testimony of the witnesses Justice Tompkins threw the case out of court.
Attorney Brennan declared that the will Attorney Brennan declared that the will was a forgery, and it is understood that steps will be taken to have some one identi-

fled with the action indicted PLATT EXPRESS CO. IS FRUGAL Superintendent Has Woman Arrested for Taking Piece of Seap Worth I 1-2 Cents. Magistrate Moss's ire was aroused yester

day in the Tombs police court when a woman was arraigned before him for the larceny of a piece of soap worth about half a cent Mrs. Anna Polski of 101 Washington street was the prisoner. She is employed as a scrubwoman in Senator Platt's United States Express Company building at 2 Rector street. When the woman was leaving the building yesterday morning she went to the washroom with a piece of soap. Supt. Charles E. Jeffrey saw her take the soap and called in an officer. The soap was found on her, but she said in court that she had only taken it to wash her hands with and had no intention of stealing it.

in "It seems to me that this is rather a petty charge to make," said the Magis-trate to Jeffrey. "Don't you want to with-Jeffrey insisted on pressing the com-plaint and said that he wanted to make an example of the woman, as there had been a number of small robberies in the building.

Well, this is small enough," remarked the Magistrate. The woman was held for trial in \$300 and taken to the Tombs.

She was bailed out later in the day by
Morris Engel, a Hungarian banker of 9
Albany street, who took her to his home, as the woman is about to become a mother

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Just north of Grand Street—all cars transfer to our door Handsome Catalogue mailed on request.

TUNNEL COMPANY CHIDES FAGAN Mr. McAdoo, Rejecting Jersey City's Terms. Asks Questions About Respecting Laws.

The Jersey City Street and Water Board of Jersey City received a long communication yesterday from William G. McAdoo. president of the Hudson and Manhattan Railroad Company declining to accept the terms on which the board by a vote of 3 to 2 consented to permit the company to open Railroad avenue in connection with the work of excavating for a part of the tunnel system from Cortlandt street under the Hudson River to Newark.

Mr. McAdoo wrote that the company has a right under the railroad act of 1903 to tunnel under any street without the consent of the city, and quoted an opinion of Corporation Counsel George L. Record filed last March to back up his statement. He emphasized the fact that the company is not asking for a franchise, but simply wants permission to exercise a legal right to open the street in order to make certain necessary changes in sewers and mains at its own expense. Mr. McAdoo said that the tunnel facilities will do more than any other agency to build up Jersey City and enhance its property values and continued:

Why is it not therefore, to the interest of Jersey City to cooperate with the tunnel company to the extent of permitting it to exercise without molestation the rights granted to it by the law of the State? Why should not his Honor the Mayor and your

board respect the law? In good faith this company has for four years been spending millions of dollars in carrying on this undertaking. If its opera-tions were to be attacked should not the attack have been made in the beginning and not after the work was near completion? Should not the city and State keep faith with the tunnel company? Is the obligation of a State or of a city less sacred than that of an

The Street and Water Board will act on the Mayor's veto next Monday. It is be-lieved that Commissioners Berry and Knox, Republicans, will vote to sustain the veto. The three Democratic members will be unable, therefore, to override it.